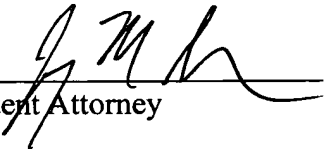




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INFORMATION DISCLOSURE  
STATEMENT

Examining Group 1653  
Docket No. MA-708CDC1  
Serial No. 10/698,096  
Confirmation No. 7813

  
Jay M. Sanders, Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 1653  
Applicants : Kenneth E. Narva, Donald J. Merlo  
Serial No. : 10/698,096  
Conf. No. : 7813  
Filed : October 31, 2003  
For : Polynucleotides, Pesticidal Proteins, and Novel Methods of Using Them

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

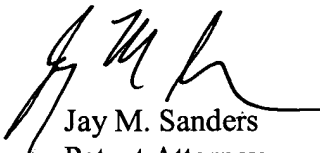
In accordance with 37 CFR §1.97 and §1.98, Applicants would like to bring to the attention of the Examiner the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B.

Pursuant to 37 CFR §1.98(d), copies of the references cited on the attached Forms PTO/SB/08A and PTO/SB/08B are not provided herewith because copies of these references were submitted to the Office in prior U.S. Patent Application Serial No. 09/850,351 (filed May 7, 2001; now U.S. Patent No. 6,656,908). Under 35 USC §120, the subject application (Serial No. 10/698,096) relies upon Serial No. 09/850,351 for an earlier filing date.

It is respectfully requested that the references listed on the attached Forms PTO/SB/08A and PTO/SB/08B be considered in the examination of the subject application and that their consideration be made of record.

Applicants respectfully assert that the substantive provisions of 37 CFR §§1.97 and 1.98 are met by the foregoing statements. Though no fees are believed to be required for this paper, the Patent Office is hereby authorized to charge any fees required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,



Jay M. Sanders  
Patent Attorney

Registration No. 39,355

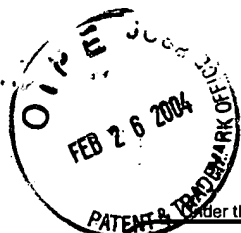
Phone No.: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41<sup>st</sup> Street, Suite A-1  
Gainesville, FL 32606-6669

JMS/ehm

Attachment: Forms PTO/SB/08A and PTO/SB/08B



Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 4

### Complete if Known

Application Number	10/698,096
Filing Date	October 31, 2003
First Named Inventor	Kenneth E. Narva
Art Unit	1653
Examiner Name	
Attorney Docket Number	MA-708CDC1

### U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
	1	US- 4,448,885	05-15-1984	Schnepf et al.	(please review all)
	2	US- 4,467,038	08-21-1984	Schnepf et al.	(please review all)
	3	US- 4,797,276	01-10-1989	Herrnstadt et al.	(please review all)
	4	US- 4,853,331	08-01-1989	Herrnstadt et al.	(please review all)
	5	US- 4,918,006	04-17-1990	Ellar et al.	(please review all)
	6	US- 4,948,734	08-14-1990	Edwards et al.	(please review all)
	7	US- 4,990,332	02-05-1991	Payne et al.	(please review all)
	8	US- 5,039,523	08-13-1991	Payne et al.	(please review all)
	9	US- 5,093,120	03-03-1992	Edwards et al.	(please review all)
	10	US- 5,126,133	06-30-1992	Payne et al.	(please review all)
	11	US- 5,151,363	09-29-1992	Payne	(please review all)
	12	US- 5,164,180	11-17-1992	Payne et al.	(please review all)
	13	US- 5,169,629	12-08-1992	Payne et al.	(please review all)
	14	US- 5,204,237	04-20-1993	Gaertner et al.	(please review all)
	15	US- 5,236,843	08-17-1993	Narva et al.	(please review all)
	16	US- 5,262,399	11-16-1993	Hickle et al.	(please review all)
	17	US- 5,270,448	12-14-1993	Payne	(please review all)
	18	US- 5,281,530	01-25-1994	Sick et al.	(please review all)
	19	US- 5,322,932	06-21-1994	Narva et al.	(please review all)

### FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
	20	EP 0 359 472	03-21-1990	Adang et al.	pls review all	
	21	WO 94/04684	03-03-1994	Payne et al.	pls review all	
	22	WO 94/05771	03-17-1994	Lambert et al.	pls review all	
	23	WO 94/21795	09-29-1994	Warren et al.	pls review all	
	24	WO 94/24264	10-27-1994	Lambert et al.	pls review all	
	25	WO 96/05314	02-22-1996	Payne et al.	pls review all	

Examiner  
Signature

Date  
Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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STATEMENT BY APPLICANT**

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Sheet 2

of 4

**Complete if Known**

Application Number	10/698,096
Filing Date	October 31, 2003
First Named Inventor	Kenneth E. Narva
Art Unit	1653
Examiner Name	
Attorney Docket Number	MA-708CDC1

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	26	US- 5,350,577	09-27-1994	Payne	(please review all)
	27	US- 5,426,049	06-20-1995	Sick et al.	(please review all)
	28	US- 5,439,881	08-08-1995	Narva et al.	(please review all)
	29	US- 5,667,993	09-16-1997	Feitelson et al.	(please review all)
	30	US- 5,670,365	09-23-1997	Feitelson	(please review all)
	31	US- 5,770,696	06-23-1998	Warren et al.	(please review all)
	32	US- 5,840,868	11-24-1998	Warren et al.	(please review all)
	33	US- 5,849,870	12-15-1998	Warren et al.	(please review all)
	34	US- 5,866,326	02-02-1999	Warren et al.	(please review all)
	35	US- 5,872,212	02-16-1999	Warren et al.	(please review all)
	36	US- 5,877,012	03-02-1999	Estruch et al.	(please review all)
	37	US- 5,888,801	03-30-1999	Warren et al.	(please review all)
	38	US- 5,889,174	03-30-1999	Warren et al.	(please review all)
		US-			
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**FOREIGN PATENT DOCUMENTS**

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	39	WO 96/10083	04-04-1996	Warren et al.	pls review all	
	40	WO 98/18932	05-07-1998	Feitelson et al	pls review all	

Examiner Signature	Date Considered
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Application Number	10/698,096
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First Named Inventor	Kenneth E. Narva
Art Unit	1653
Examiner Name	
Attorney Docket Number	MA-708CDC1

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	41	ASANO, Shoji et al., "A Unique Activity in Bacillus thuringiensis Growth Medium," Appl. Entomol. Zool., 1994, pp. 39-45, vol. 29(1).	
	42	BEEGLE, C.C., "Use of Entomogenous Bacteria in Agroecosystems," Developments in Industrial Microbiology, 1978, pp. 97-104, vol. 20.	
	43	CAROZZI, N.B. et al., "Prediction of Insecticidal Activity of Bacillus thuringiensis Strains by Polymerase...", Appl. & Environ. Microbio., 1991, pp. 3057-3061, vol. 57(11).	
	44	COUCH, T.L., "Mosquito Pathogenicity of Bacillus thuringiensis var. israelensis," Developments in Industrial Microbiology, 1980, pp. 61-76, vol. 22.	
	45	ESTRUCH, J.J. et al., "Vip3A, A Novel Bacillus thuringiensis Vegetative Insecticidal Protein with a Wide Spectrum...", Proc. Natl. Acad. Sci. USA, 1996, pp. 5389-5394, vol. 93	
	46	FEITELSON, J.S. et al., "Bacillus thuringiensis: Insects and Beyond," Bio/Technology, 1992, pp. 271-275, vol. 10.	
	47	GAERTNER, F.H. and Leo Kim, "Current Applied Recombinant DNA Projects," TIBTECH, 1988, pgs. 54-57, vol. 6(4).	
	48	GAERTNER, F.H., "Cellular Delivery Systems for...", Controlled Delivery of Crop Protection Agents (R.M. Wilkins ed.) 1989, p. 245-255, Taylor and Francis, New York and London	
	49	GLEAVE, A.P. et al., "Identification of an Insecticidal Crystal Protein from Bacillus thuringiensis DSIR517...", Journal of General Microbiology, 1992, pgs. 55-62, vol. 138.	
	50	HOFTE, H. and H.R. Whiteley, "Insecticidal Crystal Proteins of Bacillus thuringiensis," Microbiological Reviews, 1989, pgs. 242-255, vol. 53(2).	

Examiner Signature	Date Considered
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Application Number	10/698,096
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First Named Inventor	Kenneth E. Narva
Art Unit	1653
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Attorney Docket Number	MA-708CDC1

Sheet 4 of 4

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	51	KRIEG, V.A. et al., "Bacillus thuringiensis var. tenebrionis, a new pathotype effective against larvae of Coleoptera," Z. Ang. Ent., 1983, pp. 500-508, vol. 96, Abstract.	
	52	LAMBERT, B. et al., "A Bacillus thuringiensis Insecticidal Crystal Protein with a High Activity against Members...", Appl. & Environ. Microbiol., 1996, pp. 80-86, vol 62(1).	
	53	LI, Jade, "Bacterial Toxins," Current Opinion in Structural Biology, 1992, pp. 545-556, vol. 2.	
	54	SCHNEPF, H.E. and H.R. Whiteley, "Cloning and Expression of the Bacillus thuringiensis Crystal Protein Gene in...", Proc. Natl. Acad. Sci. USA, 1981, pp. 2893-2897, vol. 78(5)	
	55	SHEVELEV, A.B. et al., "Primary Structure of cryX**, the Novel Delta-endotoxin-related Gene from Bacillus thuringiensis spp. galleriae," FEBS, 1993, pgs. 79-82, vol. 336(1).	
	56	SMULEVITCH, S.V. et al., "Nucleotide Sequence of a Novel •-Endotoxin Gene crylg of Bacillus thuringiensis ssp. galleriae," FEBS, 1991, pgs. 25-28, vol. 293(1-2).	

Examiner  
SignatureDate  
Considered

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